

86020AJA
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dirk J. Hasberg

PROCESS FOR THE PREPARATION
OF HIGH BROMIDE CUBICAL
GRAIN EMULSIONS

Serial No. 10/815,072

Filed 31 March 2004

Group Art Unit: 1752

Examiner: Geraldine Letscher

I hereby certify that this correspondence was sent
by facsimile transmission to the United States
Patent and Trademark Office on the date set forth
below.

Valerie J. Richardson
Valerie J. Richardson
May 26, 2005
Date

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MAY 26 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

STATEMENT

In response to the telephonic interview of 17 May 2005 initiated by the Examiner, and the Interview Summary faxed to applicants 26 May 2005 (mistakenly dated 16 May 2005), applicants submits the following Statement of the Substance of the Interview: Examiner Letscher indicated that upon filing of a Terminal Disclaimer with respect to U. S. Pat. No. 6,753,134, the application would be in condition for allowance.

While applicant believes the present claims to be patentably distinct from those of the referenced patent, submitted herewith is a Terminal Disclaimer as requested by the Examiner, in order to advance prosecution.

Respectfully submitted,

Andrew J. Anderson
Attorney for Applicant(s)
Registration No. 33,564

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Rochester, NY 14650
Telephone: (585) 722-9662
Facsimile: (585) 477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

The owner, Eastman Kodak Company of the entire interest in the instant application, hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer, of prior Patent No. 6,753,134. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent hereafter: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner

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terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

☒ The undersigned is an attorney of record. (If this box is not checked do not use this form)

May 26, 2005
Date
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Andrew J. Anderson
Andrew J. Anderson
Attorney of Record
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☒ Please charge the fee to Eastman Kodak Company Deposit
Account 05-0225. (A duplicate copy of this request is enclosed)

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